

### **REMARKS**

After entry of the Amendment, claims 8-17, 21-28, 30-34, 37-48 and 52 are pending in the application. Claims 8, 46-48 and 52 have been amended to more specifically claim the subject matter of Applicants' invention. Applicants respectfully submit that claims 48 and 52 were added in the Amendment filed on March 15, 2007 and do not stand withdrawn from the application. Claims 5-7 and 49-51 have been canceled. Reconsideration of the application as amended is respectfully requested in view of the amendments defined herein and the following remarks.

In the Office Action date June 5, 2007, claims 5, 9-12 and 46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hilpert, U.S. Patent No. 1,902,237 in view of Esser, U.S. Patent No. 5,609,965. The Examiner submits that although Hilpert does not specifically teach a paint layer, it would have been obvious to one skilled in the art to form a dish rack, as taught by Hilpert, having a coated metal frame with an added layer of non-metallic paint, as taught by Esser. Claim 5 has been canceled and is no longer pending in the application. Claim 46, from which claims 9-12 depend, recites a dish rack having an exterior coating covering at least a portion of the metal frame to protect the metal frame from corrosion. The exterior coating, as recited in claim 46, includes an electrocoated, non-metallic paint layer on the metal frame and a polymer layer on the electrocoated frame. A polyvinyl chloride top coat is layered on top of the electrocoated, non-metallic paint layer. The polyvinyl chloride layer is not applied directly on the metal surface. See Figs. 3 and 4.

Hilpert discloses a metal dish rack frame having a coating 12, preferably of rubber or other similar organic material. Pg. 1, ll. 62-63 and 85-86. The coating is attached to the metal base. Pg. 2, ll. 73-79. The coating 12 may be applied by spraying or brushing the rack with the rubber material in removable liquid materials, by dipping the rack in a bath of the coating material, or electroplating the rubber on the metallic base. Pg. 2, ll. 79-88. The rubber or polymer layer is directly applied to the metal frame. As stated by the Examiner, Applicants submit that Hilpert is devoid of a paint layer, specifically an electrocoated, non-metallic paint layer and a polyvinyl chloride layer on top of the electrocoated, non-metallic paint layer as recited in claim 46.

Esser discloses cross-linkable surface coating of an aqueous or water-based polymeric composition. The composition is applied metal surfaces and can be used in various home appliance components, including a dish washer. Col. 4, l. 64- col. 5, l. 2 and ll. 35-40. Therefore Esser is relevant only for its disclosure of the production of polymeric coating for application on suitable metal substrates. However, the combination of Hilpert and Esser are devoid of an exterior coating comprising an electrocoated, non-metallic paint layer on the metal frame and a polyvinyl chloride layer on the electrocoated, non-metallic paint layer as recited in claim 46. Reconsideration is respectfully requested.

Claims 6-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hilpert in view of Esser, and further in view of Richart, U.S. Patent No. 3,640,747. The Examiner submits that although Hilpert and Esser do not teach the application of polyvinyl chloride or a polyvinyl chloride blend, it would have been obvious to modify the teachings of Hilpert by substituting the rubber coating with a vinyl coating as taught by Richart. Claims 6 and 7 have been canceled and are no longer pending in the application. Claim 8 includes by dependency the subject matter of claim 46. Since Hilpert discloses applying a rubber or other organic material directly to a metal base, Esser discloses production of polymeric coating for metal surfaces, and Richart discloses a method of reducing sandiness in vinyl coatings metal applied to the wire baskets of a dishwasher [col. 1, ll. 41-45 and col. 2, ll. 19-29], it would not be obvious to one skilled in the art to combine the references, which each disclose applying a different material directly to a metal surface, to yield an invention having an exterior coating comprising an electrocoated, non-metallic paint layer on the metal frame and a polyvinyl chloride layer applied over the electrocoated, non-metallic paint layer as recited in claim 46, which claim 8 includes by dependency. Reconsideration is respectfully requested.

Claim 47 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hess, U.S. Application No. 2001/0032825, in view of Hilpert and Esser. The Examiner submits that Hess does not teach an electrocoated layer on the metal frame or a polymer layer on the electrocoated layer, but that it would have been obvious to modify the dish rack in Hess to have a non-metallic paint layer to provide added protection to the metal frame of the dish rack against oxidation and corrosion.

Claim 47 discloses a dish washer having a dish rack with an exterior coating covering at least a portion of the metal frame to protect the metal frame from corrosion. The

exterior coating, as recited in claim 47, includes an electrocoated, non-metallic paint layer on the metal frame and a polyvinyl chloride layer on the electrocoated, non-metallic paint layer. See Figs. 3 and 4. As shown in Figs. 3 and 4, an electrocoated, non-metallic paint layer is directly applied to the metal frame. A second layer comprising a polyvinyl chloride is applied on top, over the electrocoated, non-metallic layer. Therefore, dishwasher rack includes a rust protective layer below the polyvinyl chloride top layer.

Hess discloses a wire frame dish rack having a plastic coating. See Fig. 3 and ¶[0015]. The coating may be plastic, substantially polyamide, and deposited by a plastic coating process, so long as the coating distributes water uniformly as a film across the entire coated surface so that it vaporizes quickly with little addition of heat. ¶¶[0013] and [0015]. The plastic coating is applied directly to the metal frame. Therefore, Hess is devoid of an electrocoated, non-metallic paint layer on the metal frame and a polyvinyl chloride layer on the electrocoated, non-metallic paint layer as recited in claim 47. Applicants also resubmit that the combination of Hilpert and Esser are also devoid of an exterior coating comprising an electrocoated, non-metallic paint layer on the metal frame and a polyvinyl chloride layer on the electrocoated, non-metallic paint layer as recited in claim 47. Therefore, the addition of Hess does not does not render obvious the invention as recited in claim 47. Reconsideration is respectfully requested.

Claims 5, 9-12 and 46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hilpert in view of Uchida et al, U.S. Patent No. 3,501,278. The Examiner submits that although Hilpert does not teach a paint layer, it would have been obvious to modify the teachings of Hilpert by electrodepositing a non-metallic paint onto the metal frame or metal coated metal frame for good corrosion resistance as taught by Uchida. Claim 5 has been canceled and is no longer pending in the application. In Hilpert, the rubber is attached directly to the metal base. Pg. 2, ll. 73-79. Uchida is relevant only for its disclosure of electrodepositing a paint coating directly on zinc plated steel. Since Hilpert discloses applying a rubber coating directly on the metal frame and Uchida discloses applying an electrocoated paint layer directly on a metal surface, it would not be obvious to one skilled in the art to apply an electrocoated, non-metallic paint layer on the metal frame and a polyvinyl chloride layer applied over an electrocoated, non-metallic paint layer as recited in claim 46. Therefore, the references, taken singly or in combination, do not disclose a polyvinyl chloride

layer being applied on an electrocoated, non-metallic paint layer as recited in claim 46, from which claims 9-12 depend. Reconsideration is requested.

Claims 6-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hilpert in view of Uchida, and further in view of Richart. The Examiner submits that Hilpert and Uchida do not teach the application of polyvinyl chloride or a polyvinyl chloride blend, but that it would have been obvious to substitute the rubber coating with a vinyl coating as taught by Richart. Claims 6 and 7 have been canceled and are no longer pending in the application. Applicants resubmit that Hilpert discloses a rubber coating applied directly to the metal base [pg. 2, ll. 73-79] and Uchida is relevant only for its disclosure of electrodepositing a paint coating directly on zinc plated steel. Richart is relevant only for its disclosure of reducing sandiness in vinyl coatings metal applied to the wire baskets of a dishwasher [col. 1, ll. 41-45 and col. 2, ll. 19-29]. Therefore Applicants respectfully submit that it would not be obvious to one skilled in the art to combine the references, which each disclose applying a different material directly to a metal surface, to yield an invention having an exterior coating comprising an electrocoated, non-metallic paint layer on the metal frame and a polyvinyl chloride layer applied over the electrocoated, non-metallic paint layer as recited in claim 46, which claim 8 includes by dependency. Reconsideration is respectfully requested.

Claim 47 stands rejected under 35 U.S.C. 103 (a) as being unpatentable over Hess in view of Hilpert and Uchida. The Examiner submits that Hess does not teach an electrocoated layer on the metal frame or a polymer layer on the electrocoated layer, but that it would have been obvious to modify the coated dish rack in Hess to include an electrodeposited non-metallic paint layer to provide added protection to the metal frame of the dish rack as taught by Hilpert and Uchida. Applicants resubmit that Hess discloses a plastic coating applied directly to a wire frame dish rack. See Fig. 3 and ¶[0015]. Hilpert discloses a rubber coating applied directly to the metal base [pg. 2, ll. 73-79] and Uchida is relevant only for its disclosure of electrodepositing a paint coating directly on zinc plated steel. Therefore, it would not be obvious to one skilled in the art to combine the references, which each disclose applying a different material directly to a metal surface, to yield an invention having an exterior coating comprising an electrocoated, non-metallic paint layer on the metal frame and a polyvinyl chloride layer applied over the electrocoated, non-metallic paint layer as recited in claim 47. Reconsideration is respectfully requested.

This after-final amendment does not raise new issues that would require further consideration and/or search, since the proposed amendments incorporate previously recited limitations from dependent claims into the independent claims and these limitations have been previously considered and searched by the Examiner; does not raise the issue of new matter, since the proposed amendments have support in the originally filed application including the specification, claims and drawings; does place the application in better form for appeal by materially reducing and/or simplifying the issues for appeal; and/or does not present additional claims without canceling a corresponding number of finally rejected claims.

It is respectfully submitted that this Amendment traverses and overcomes all of the Examiner's objections to the application as originally filed. It is further submitted that this Amendment has antecedent basis in the application as originally filed and this Amendment does not add any new subject matter to the application. Reconsideration of the application as amended is requested. It is respectfully submitted that this Amendment places the application in suitable condition for allowance; notice of which is respectfully requested.

Respectfully submitted,

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